

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DAWN BEYE, KATHLEEN BRADLEY  
And CHRISTINE BYRAM, individually  
and on behalf of all others similarly  
situated,

Plaintiffs,

vs.

HORIZON BLUE CROSS BLUE  
SHIELD OF NEW JERSEY, INC.,

Defendant.

CIVIL ACTION NO.: 06-5337(FSH) ✓

SUPPLEMENTAL STIPULATED  
DISCOVERY CONFIDENTIALITY  
ORDER

SUZANNE FOLEY, RONALD DRAZIN,  
And RONALD SEDLAK, individually and  
On behalf of others similarly situated,

Plaintiffs,

vs.

HORIZON BLUE CROSS BLUE  
SHIELD OF NEW JERSEY, INC.,

Defendant.

CIVIL ACTION NO. 06-6219 (FSH) ✓

The Stipulated Discovery Confidentiality Order dated June 29, 2007 is hereby  
supplemented to add as follows:

Any document stamped "Attorneys Eyes Only" shall be treated as HIGHLY  
CONFIDENTIAL and receive the highest level of protection. Documents may be  
designated "Attorneys' Eyes Only" either by the Court or by the producing party.  
Documents designated as "Attorneys' Eyes Only" shall be only the most highly sensitive

documents. A party that disagrees with an "Attorney's Eyes Only" designation may seek the producing party's consent to remove the designation and, if the party's cannot agree, the objecting party may move by <sup>joint letter</sup> informal application to the Court for relief from such designation. The following terms apply to "Attorney Eyes Only" documents:

(a) Except as otherwise provided herein or by written stipulation of the Parties or by further order of the Court, documents designated "Attorneys' Eyes Only" shall be disclosed only to attorneys of record for the parties to this action, their authorized secretarial and legal assistants and staff, and, subject to paragraph (c) below, to expert witnesses retained by the parties or their attorneys for purposes of this action upon the terms set forth herein. It is further stipulated that a party producing an "Attorney Eyes Only" document will attempt to produce a redacted version of the same document that can be stamped merely "Confidential" pursuant to the Stipulated Discovery Confidentiality Order dated June 29, 2007, in which case the redacted version would be subject to the terms of that Order only. If agreement about the redacted form cannot be reached, it may be addressed to the Court on informal application by joint letter.

(b) If any attorney or authorized staff member who has been given access to an "Attorneys' Eyes Only" document resigns from his or her firm during the pendency of these cases, the attorney or staff member will be required to sign a certification acknowledging that he or she may not use the information in the "Attorneys' Eyes Only" Documents in any fashion for any purpose.

(c) Expert witnesses, regardless of whether they are going to be a testifying expert under Fed. R. Civ. P. 26, may be given access to "Attorney Eyes Only" documents only if they have signed a Certification agreeing to be bound by this Supplemental

Stipulated Discovery Order and acknowledging that they will not use the document or information contained therein outside the context of this Litigation for any purpose whatsoever.

(d) Except as noted in subparagraphs (a-c), no documents or information designated "Attorneys Eyes Only" shall be disclosed to (i) any party to this action (unless they are a producer(s) of the "Attorney Eyes Only" document), or (ii) to any officer, director, employee, or agent of any party, except by written stipulation signed by the producing party or by order of the Court.

(e) A party wishing to file an "Attorneys' Eyes Only" document with the Court must first request the producing party's consent to file it under seal and, if such consent is provided, submit a Consent Order to the Court for permission to file such document under seal. *Designation as confidential under this C.W. R 5.3. Order alone is not a sufficient basis to seal. A party seeking to seal information submitted in connection with a request for non-discovery relief shall contact the Chambers of the undersigned for further instructions before a motion is filed.* ~~must file a formal motion as required by local C.W. R 5.3. Designation as confidential under this provided, submit a Consent Order to the Court for permission to file such document under seal, or a joint motion under Local Civ. R. 5.3, as may be required by the Court. In the event that the producing party does not consent to the filing of the document under seal, then the party seeking to file such document shall either refrain from filing the document, or make an informal application to the Court for permission to file the document under seal.~~

(f) All "Attorney Eyes Only" documents must be returned or destroyed at the end of the case in accordance with the Court's Protective order in this matter. If an inadvertent disclosure is made of an "Attorney Eyes Only" document, the party must immediately, and no later than 24 hours after learning of the inadvertent disclosure, notify the producing party of the error and cooperate in the rectification of the error.

(g) If a party's attorney or expert intentionally discloses an "Attorney Eyes Only" document or the confidential information contained therein outside of the context of this

lawsuit, it is agreed that the Court, amongst other sanctions which it may impose, may consider under all circumstances present whether the sanction of disqualification of that person from the case is appropriate.

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SO ORDERED: This 13th day of  
December, 2007

Patty Schwartz  
PATTY SHWARTZ  
United States Magistrate Judge